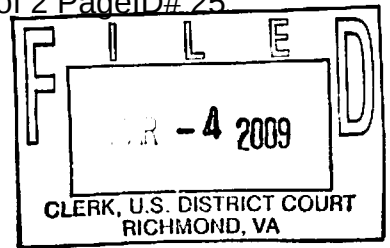


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



EDWARD LEE BIRCHETT,

Plaintiff,

v.

Civil Action No. 3:08CV781

GARY WILLIAMS,

Defendant.

MEMORANDUM OPINION

By Memorandum Order entered on December 11, 2008, the Court conditionally docketed Plaintiff's action. At that time, the Court directed Plaintiff to affirm his intention to pay the full filing fee by signing and returning a consent to the collection of fees form. The Court warned Plaintiff that a failure to comply with the above directive within thirty (30) days of the date of entry thereof would result in summary dismissal of the action.

Plaintiff has not complied with the orders of this Court. Plaintiff failed to return a consent to collection of fees form. As a result, he does not qualify for in forma pauperis status. Furthermore, he has not paid the statutory filing fee for the instant complaint. See 28 U.S.C. § 1914(a). Such actions demonstrate a wilful failure to prosecute. See Fed. R. Civ. P. 41(b). Accordingly, this action will be DISMISSED WITHOUT PREJUDICE.

The Clerk is DIRECTED to mail a copy of the Memorandum Opinion to Plaintiff.

It is so ORDERED.

Robert E. Payne
Senior United States District Judge

Richmond, Virginia
Date: February 28, 2009